

RESOLUTION NO. 2002-40
Amendments to Chapter 7.20 Chelan County Code, Boating Regulations
AMENDING RESOLUTION NO. 2001-79 & 2001-115

WHEREAS, the Board of County Commissioners recognizes the need to provide for public safety in and around the waters of Chelan County, and

WHEREAS, it has been determined that additional amendments to certain Chelan County Code provisions are necessary;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the following Chelan County Code provisions are amended as follows:

7.20.190

(b)(2)(c) is hereby repealed.

7.20.195. Boating on Roses, Wapato, Dry, and Fish Lakes

(a) is hereby repealed.

(b) No person shall operate a watercraft in excess of three miles per hour/no wake before sunrise nor later than one hour before sunset year round.

7.20.080

It is unlawful for a minor child 16 years of age or under to operate a motorboat, or for any person to authorize or knowingly permit such a minor child to operate a motorboat, except:

(1) When such child is 14 or 15 years of age and is accompanied by an individual who is at least 18 years of age and who is capable of safely operating such a motorboat; or

(2) When the child is 10 years of age or older and the motorboat has an engine of fifteen horsepower or less; or

(3) When the child is 14 years of age or older and the motorboat is being operated on the Columbia River.

This resolution shall take effect immediately after passage.

DATED at Wenatchee, Washington, this 18th day of March, 2002.



BOARD OF CHELAN COUNTY COMMISSIONERS

Ron Walter

RON WALTER, CHAIRMAN

John A. Hunter

JOHN A. HUNTER, COMMISSIONER

Buell Hawkins

BUELL HAWKINS, COMMISSIONER

ATTEST: JANET K. MERZ

Sally J. Taylor, Deputy
Clerk of the Board

RESOLUTION NO. 2001-79
Amendments to Chapter 7.20 Chelan County Code, Boating Regulations

WHEREAS, the Board of County Commissioners recognizes the need provide for public safety in and around the waters of Chelan County and

NOW, THEREFORE, BE IT HEREBY RESOLVED that existing Chelan County Code provisions:

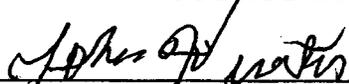
- Section 7.20.030 Definitions (Amended)
- 7.20.045 Vessel Operations (Added)
- 7.20.050 Negligent Operation (Deleted)
- 7.20.060 Operation while under the influence (Deleted)
- 7.20.080 Age Restrictions (Amended)
- 7.20.085 Identification (Added)
- 7.20.120 Water-skiing (Amended)
- 7.20.140 Speeding Restrictions (Amended)
- 7.20.185 Transporting Aquatic Plants (Added)
- 7.20.190 Motorboat Restrictions (Amended)
- 7.20.198 Duty to Obey Law Enforcement Officer (Added)
- 7.20.200 Enforcement (Added)
- 7.20.220 Penalty (Amended)

This resolution shall take effect immediately after passage.

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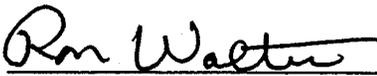
Dated at Wenatchee, Washington this 24th day of May, 2001.

BOARD OF CHELAN COUNTY COMMISSIONERS

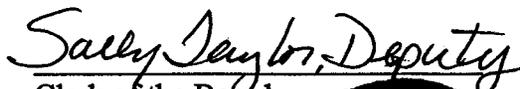


JOHN HUNTER, CHAIRMAN

ATTEST; JANET K. MERZ



RON WALTER, COMMISSIONER



Clerk of the Board

3RD DISTRICT, VACANT



Sheriff
PIA
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REVISIONS TO THE CHELAN COUNTY BOATING REGULATIONS

7.20.030 – Definitions.

As used in this chapter:

(1) "Vessel" – includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. This definition shall include, but is not limited to, the following: motorboats, sailboats, rowboats, rafts, personal watercraft, water skis, surf boards, aquaplanes, canoes, kayaks, barges, trawlers. However, the term vessel does not include inner tubes, air mattresses, sailboards, life jackets, or toys and flotation devices customarily used as a swimming aid or by swimmers.

(2) "Motorboat" – means any vessel which is propelled by mechanical means (not to include wind power or human power). This term also includes personal watercraft and vessels equipped with detachable motors.

(3) "Personal Watercraft" – means a vessel of less than 16 feet in length that uses a motor as its primary source of power and is designed to be operated by a person sitting, standing or kneeling on, or being towed behind a vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(4) "Person" – means any natural person, partnership, association or corporation.

(5) "Sheriff" means the Sheriff of Chelan County or any duly appointed deputy sheriff or reserve deputy of Chelan County.

(6) "Shoreline" – means any existing water line.

(7) "Slow minimal wake speed" – means very slow speed producing a minimum wake not to exceed six inches in height at its apex when reaching a shoreline, pier, or shore installation and further not to exceed eight (8) miles per hour in any event.

(8) "Aquatic Plants" – means all marine-based vegetation, whether alive or dead, including but not limited to lilies, pond weeds, and milfoil.

(9) "Waters" includes any lake, river, and all other waters within Chelan County.

(10) "Emergent Vegetation" means all aquatic plants that are not more than three feet below the water surface, and all aquatic plants that in any manner extend or project above the water surface, or in any manner breach the water surface.

7.20.045 Vessel Operation

The following activities are prohibited for any motorboat operating on Chelan County waters:

- (a) Operating at an excessive speed through congested vessel traffic;
- (b) Jumping the wake of another vessel within 100 feet of said vessel or any time when visibility of vessel is obstructed or restricted;
- (c) Becoming airborne or completely leaving the water while crossing the wake of another vessel within 100 feet of the vessel creating such wake;
- (d) Operating at a speed greater than a slow no wake speed within 100 feet of a swim float, swimmers, persons utilizing any type of flotation devices customarily used as a swimming aid or by swimmers, surfers, persons engaged in angling, any marked swim area, any manually powered vessel, or any anchored, moored, or drifting vessel;
- (e) Operating contrary to navigation rules including following too closely to another vessel; For the purposes of this subsection the term "following too closely" means proceeding in the same direction and operating at a speed in excess of 10 MPH within 100 feet of the front and rear or 50 feet to the side of another vessel which is underway, unless the vessels are operating in a narrow channel, in which case the vessel may operate at the speed and flow of the other traffic in the channel;
- (f) Operating a motor boat on the waters of Chelan County while an occupant of the vessel is riding, sitting, or standing on the gunwales or on the decking or the bow of said vessel while it is moving unless such occupant is utilizing appropriate seating, guards, or railings in such area.
- (g) Towing a person on water skis, a knee-board, inflatable craft, inner-tube or any other device unless the personal watercraft is rated by the manufacturer to carry at least three persons, and both an operator and observer are aboard the personal watercraft.
- (h) Operating a motorboat to chase or harass wildlife.
- (i) Operating a motorboat through emergent vegetation at other than a slow/no-wake speed.
- (j) Operating a motorboat in any manner that is not reasonable and prudent given the conditions that the operator is or should be aware of at the time of said operation.

Nothing in this subsection shall be construed to prohibit a person from standing on the deck or over the bow of any vessel while fishing or trolling for fish, or for purposes of mooring the vessel or casting off the vessel to or from any buoy, float or dock, or from standing on the deck over the bow of the vessel for any other necessary purpose for the operation of said vessel. Further, this subsection shall not apply to a performer engaged in professional exhibition or a person participating in a regatta, race, marine parade, or exhibition authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

7.20.050 Negligent Operation

This section is deleted in it's entirety as it is already covered by State Law pursuant to RCW 79A.0.030.

7.20.060 Operation while under the influence of intoxicating liquor or drugs.

This section is deleted in it's entirety as it is already covered by State Law pursuant to RCW 79A.0.030.

7.20.080 Age Restrictions.

(a) It is unlawful for any minor under the age of 16 to operate a motorboat, or for any persons to authorize or knowingly permit such a minor to operate a motorboat unless such minor is accompanied by an adult 18 years of age or older, and who is presently physically capable of operating said motorboat.

(b) It is unlawful for any minor 10 years of age or under to operate any motorboat.

7.20.085 Identification

Motorboat operators and personal watercraft operators are required to carry photo identification when operating these types of vessels on the waters of Chelan County.

7.20.120 Water Skiing

7.20.120(b)

(5)

(c) Water skiing is prohibited on that part of Lake Chelan so designated by no-wake buoys, and in the no wake zone of Lake Chelan which is defined for purposes of this section as that area of the lake extending out to one-hundred yards from the shoreline.

Proposed change to be amended as follows:

7.20.140 Speeding Restrictions

7.20.140(b)

(3) The vessel is not operated on that part of Lake Chelan so designated by marked no-wake buoys.

7.20.185 Transportation of Aquatic Plants

(a). It is unlawful for any person to remove aquatic plants from the waters of Chelan County by means of a vessel, motor-driven boat. It is further unlawful to remove aquatic plants from the waters of Chelan County by means of any trailer or motorized vehicle engaged in the removal of any aforementioned vessel, or motor-driven boat.

(b). It is unlawful for any person to place a trailer or any vessel, motor-driven boat, or any type of vehicle with aquatic plants attached, into the waters of Chelan County.

(c). This subsection does not apply to any vessels or vehicle involved or engaged in the lawful harvesting of aquatic plants for weed control purposes.

7.20.190 Motorboat Restrictions

(a)(6) Beehive Reservoir.

(b)(2)(c) In addition to the other restrictions in this section, it shall be unlawful to operate a motorboat on the following waters of Chelan County at a speed in excess of 20 miles per hour: Fish Lake, Roses Lake, Wapato Lake, and Dry Lake.

7.20.198 Duty to Obey law enforcement officer

(a). Any person requested or signaled to stop by a person reasonably identifiable as a law enforcement officer for any violations of this chapter has a duty to stop. The signal given by the officer may be by hand, voice, emergency light, siren, or any combination thereof.

(b). No person shall willfully fail or refuse to comply with any lawful order or direction of any reasonably identifiable law enforcement officer invested by law with authority to direct, control, or regulate traffic upon any or all waterways of Chelan County.

(c). Any person requested to identify him or herself to a person reasonably identifiable as a law enforcement officer pursuant to an investigation under this chapter has a duty to identify him or herself, give his or her current address, and sign an acknowledgment of receipt of notice of violation.

(d). Any person who refuses to comply with any requirement of this section may be arrested without warrant, and is guilty of a misdemeanor, punishable by up to 90 days in the county jail and/or a \$1,000 fine.

7.20.200 ENFORCEMENT

(a) This chapter may be enforced on any waters within Chelan County by any general authority law enforcement officer, including but not limited to the Chelan County Sheriff's Office (including reservists operating under the authority of the elected Sheriff), and officers of the Washington State Patrol, Parks and Recreation Department, and the Department of Fish and Wildlife.

(b) When a violation of this chapter is made in the presence of any law enforcement officer indicated in section (a) above, he or she may board any vessel in order to conduct further investigation, issue an appropriate citation, or arrest any violator or violators. In all other cases unless otherwise indicated, arrest for violation of this chapter shall be made pursuant to a warrant.

(c) Any law enforcement officer indicated in section (a) above shall have the authority to stop and board any vessel for the purpose of an inspection or determining compliance with this chapter.

7.20.220 Penalty

(a) Unless otherwise designated, a first violation of this chapter is a civil infraction with a penalty not to exceed \$130.00, exclusive of any statutory PSEA assessments. Unless otherwise designated, a second violation of this chapter within 5 years is a civil infraction with a penalty not to exceed \$250.00, exclusive of any statutory PSEA assessment. A third violation of this chapter within a 5 year period shall be designated a misdemeanor, punishable by imprisonment in the county jail for a maximum term fixed by the court of not more than 90 days or by a fine in an amount fixed by the court of not more than \$1,000.00 or by both such imprisonment and fine. The court may suspended any or all of the monetary penalties and/or jail time of any violation of this chapter upon appropriate conditions to be established by the court in its discretion, including payment of restitution to any injured party as set fourth in section b below. For purposes of this subsection the term "violation" for purposes of calculating the number of prior offenses includes committed-findings, bail forfeitures, deferred sentences of any type, dismissals entered after a period of probation, continuance agreements, or a deferred finding including those entered on an infraction.

(b) In any prosecution under this chapter, the court may order the defendant to make restitution to any victims. When the court orders restitution, the court shall make a finding as to the amount of the victims loss from the violation, and may order the defendant to pay restitution to the injured party in an amount not to exceed double the victims loss.

(c) Any monetary penalty imposed by a court pursuant to this chapter for any violation denominated as an infraction is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the payment in the same manner as other civil judgments and may notify the prosecution attorney of failure to pay.

(d) Any monetary penalty imposed by a court pursuant to this chapter for any violation denominated as a misdemeanor is immediately payable. The court may however grant an extension of the period in which the penalty may be paid, or may convert the penalty to community service or jail time at an appropriate rate to be determined by the court.

(e) The prosecution for offenses described in this chapter shall not be commenced after a period of one year after its commission.

(f) If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

RESOLUTION NO. 2001- 115

Amendment to Chapter 7.20 Chelan County Code, Boating Regulations
AMENDING RESOLUTION No. 2001-79

WHEREAS, the Board of County Commissioners having received additional input and comment regarding the Chelan County Boating Ordinances, and recognizing that a portion of the Ordinance is duplicative with regard to Roses Lake,

NOW, THEREFORE, BE IT HEREBY RESOLVED, that existing Chelan County Code provision 7.20.190 section (b)(2)(c) is amended to delete any reference to Roses Lake. This resolution shall take effect immediately after passage.

DATED at Wenatchee, Washington this 21st day of Aug, 2001.

BOARD OF CHELAN COUNTY COMMISSIONERS

John L. Hunter
JOHN HUNTER, CHAIRMAN

Ron Walter
RON WALTER, COMMISSIONER

Buell Hawkins
BUELL HAWKINS, COMMISSIONER

ATTEST: JANET K. MERZ

Janet K. Merz
Clerk of the Board

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